REMARKS

The Office Action dated November 17, 2004 has been received and carefully noted. The following remarks are considered as a full and complete response thereto.

Claims 29-39 and 41-56 are respectfully submitted for consideration. Claim 40 has been previously cancelled.

The Office Action rejected claims 29-31, 34, 41-44, and 48-54 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,579,535 to Orlen et al. (Orlen), in view of U.S. Patent No. 6,310,889 to Parsons et al. (Parsons).

The Office Action takes the position the Orlen discloses all of the features recited in claim 29 and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Orlen with a network related information of the subscriber [that] is transmitted in a header of a packet transmitted by the mobile station of the subscriber in order for the base station of the network to check to see if portable telephone is authorized to receive the localized and positional information, as taught by Parsons. This rejection is respectfully traversed.

Claim 29, upon which claims 30-39 and 41-47 depend, recites a method for providing a service to a subscriber in a network. The method includes providing network related information which is related to the subscriber, generating a service message on the basis of the provided network related information, and transmitting the service messenger

to the subscriber. In the method, the network related information is provided to a service provider, the service message is a message generated by the service provider and is transmitted to all those subscribers for which the same network related information is provided to the service provider. Further in the method, the network related information of the subscriber is transmitted in a header of a packet transmitted by the mobile station of the subscriber.

Claim 48, upon which claims 49-56 depend, recites a system for providing a service to a subscriber in a network. The system includes providing means for providing network related information which is related to the subscriber and control means for controlling the provision of the network related information in dependence on a predetermined subscriber condition. In the system, the providing means is arranged to provide the network related information for a service provider connected to the network and the service provider is arranged to generate a message on the basis of the network related information and the message being transmitted to said subscriber. Further in this system, the service message is transmitted to all those subscribers for which the same network related information is provided to the service provider when the network related information of the subscriber is transmitted in the header of a packet transmitted by the mobile station of the subscriber.

It is respectfully submitted that the cited references fail to disclose or suggest all of the features recited in claim 29 and similarly recited in claim 48. Orlen discloses a personal communication system providing supplemental information.

Specifically, the Office Action alleges that Orlen discloses the feature of providing a network related information which is related to said subscriber, as recited in claim 29 and similarly recited in claim 48. The Office Action cites column 6, line 50 – column 7, line 16 of Orlen. However, the localized and positional information mentioned in Orlen is not network related information. Rather, it is a characterization of a business establishment and the business establishment, is not part of the network (communication network). Furthermore, those localized and positional information disclosed in Orlen are not subscriber related. Rather, they pertain to landmarks or business establishments as mentioned before (Orlen, column 3, lines 48 to 59).

The Office Action alleges that Orlen discloses the feature of generating a service message on the basis of said provided network related information, as recited in claim 29 and similarly recited in claim 48. The Office Action cites column 7, line 63-65. It is respectfully submitted that the expression "related information" is not taken into account but appears to construe the claim feature as "generate a service message on the basis of said provided network". In particular, the cited passage, i.e. column 7, lines 63 to 65, more precisely, column 7, line 50 to column 8, line 3 pertains to the registration of business establishment related information within the network. Thus, no service message is generated, but merely the information which is later on to be transmitted in a service message is provided. However, even that information is not provided on the basis of provided network related information related to the subscriber, but based only on the information associated to a business establishment.

The Office Action further alleges that Orlen discloses the feature of transmitting said service message to said subscriber, as recited in claim 29 and similarly recited in claim 48. The Office Action cites column 7, lines 63-65 of Orlen. However, the cited passage of Orlen specifies that a transmission described therein is directed to a telepoint base station. Even if only for the sake of argument should that transmission be regarded as a service message the service message is not directed to the subscriber, but to the base station. It is respectfully submitted that a subscriber is not analogous to a base station in the present case.

The Office Action alleges that Orlen discloses the feature that said network related information is provided for a service provider. The Office Action cites column 6, lines 50-54 of Orlen. However, the cited passage i.e. column 6, line 50 to 54 clearly shows that no network related information is provided. Orlen merely discloses that business establishment related information is provided. Furthermore, such information is delivered to a base station and not provided to a service provider as recited in claims 29 and 48. A service provider is an entity and/or organisation different from the network operator and/or the network. Rather, according to Orlen, the business establishment related information is provided to a base station and/or a plurality of base stations. Thus, the information is distributed within the network infrastructure, but not provided for a service provider. Apart from this, the difference remains that what is distributed is not network related information relating to the subscriber but information referring to a business establishment.

The Office Action alleges that Orlen discloses a feature that said service method is a message generated by said service provider. The Office Action cites columns 6, line 50 – column 7, line 18. However, the cited passage of Orlen does not show that a service message is generated, because it is not transmitted to the subscriber. Rather, some service information (which might later on be used in a message to be sent to the subscriber) is generated. The generation, however, is not performed by a service provider, but by a business establishment and it is generated (stored) at the telepoint base station, as stated by Orlen, column 8, line 15/16. Further the Office Action alleges that the service provider corresponds to the business establishment. However, apparently, the Office Action appears to vacillate between different meanings of the expressions from claim feature to claim feature. Namely, the service provider is analogous to the base station, while in the present discussion for example, it is alleged that the service provider corresponds to the business establishment.

The Office Action alleges that Orlen discloses the feature the said service network message is transmitted to all of the subscribers for which the same method related information is provided to the service provider. However, the Office Action on page 3 of the Office Action states (correctly) that the establishment places information on the network. Thus, business establishment related information is placed on the network. This information is fixed/static for the establishment (unless they are updated by the establishment and not subjected to change dependent on network conditions).

In contrast, according to the present invention, the subscriber places/provides information to a service provider. The information the subscriber provides is subscriber related and related to the subscriber's properties within the network (see for example claim 30). Insofar, the network related information related to the subscriber is substantially dynamic. In Orlen, the transmission is dependent on a request by the mobile station. See column 6, line 50 – column 7, line 16. Transmitting some information on request, is, however, not comparable as corresponding to being dependent on the same network related information. It is arguable that a mobile station being present in the coverage of a cell relates to network related information for the mobile station, which is the same for all mobile stations present within the coverage of the cell. However, even if all mobile stations are present in the coverage of the same cell, not all mobile stations need to receive the information unless they request it (according to *Orlen*). Still further, if they should request for the information, all requesting mobile stations receive the same information from the base station and the subscriber then selects from the information (see *Orlen*, column 9, lines 3 to 23). Thus, the information the subscribers within the network receive is base station specific and depends on the base station in the coverage thereof they are currently located. In contrast, according to the present invention (see page 4, lines 1 to 10 of the specification), user specific information are contained in the service message transmitted to the user. Thus, irrespective of the base station to which the mobile station is associated according to the present invention, as long as the network related information related to said subscriber are identical, the subscriber concerned will

receive the same service message throughout the network (the service message being selected based on said network related information related to said subscriber and provided to the service provider).

The Office Action admits that Orlen fails to disclose network related information of the subscriber is transmitted in a header of a packet transmitted by the mobile station of the subscriber. The Office Action asserts that Parsons makes up for this deficiency. Parsons discloses a method of servicing data access requests from users. However, it is respectfully submitted that Parsons fails to make up for the deficiencies of Orlen. The Office Action alleges that Parsons discloses an IP address of a subscriber is transmitted in a header of a packet transmitted by the subscriber to a network for a security check. The Office Action cites column 13, lines 34-60 of Parsons. Further, the Office Action states that if the subscriber IP address is not correct, service not rendered. However, Parsons discloses that an IP address in a packet header is transmitted for a security check to be conducted at the network entity.

According to the present invention, network related information in a header of the packet is transmitted / provided to the service provider. The service provider, however, is distinct from the base station. The network related information as defined in the independent claim 29 is the basis for triggering as well as selecting the service message to the subscriber. It is not used for verifying whether the subscriber's terminal is authorized to receive a service message, but it is used to initiate sending of a thus selected service message to the subscriber's terminal. Apart from the above, it is derivable that the

network related information was alleged to correspond to the localized and positional information of a business establishment. In view of this, the suggested modification by the Office Action to Orlen cannot work. Namely, in such instance, the localized positional information of the business establishment would have to be transmitted from the mobile station to the base station to check whether the mobile station is allowed to receive "the same" information back from base station. The service message such as a local advertisement, may correspond to localized positional information as mentioned in *Orlen*. However, it is clearly distinct from network related information related to a subscriber.

It is respectfully submitted that the cited references fail to disclose or suggest all of the features recited in claims 29 and 48 for the reasons discussed above. It is further submitted that since claims 30, 31, 34, 41-44 and 49-54 depend upon claims 29 and 48 respectively, these claims are allowable at least for the same reasons as claims 29 and 48.

Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) of claims 29- 31, 34, 41-44 and 48-54 is respectfully requested.

The Office Action rejects claim 32 under 35 U.S.C. 103(a) over Orlen et al. in view of Parsons and further in view of U.S. Patent No. 5,905,777 to Foladare et al. (Foladare). This rejection is respectfully traversed.

The Office Action admits that Orlen and Parsons fail to disclose the feature that the header message of unread mail stored in a mail server. The Office Action alleges that Foladare makes up for these deficiencies.

Foladare discloses an e-mail paging system, and is relied upon in the Office Action to disclose a header message of an unread mail stored in a mail server. The Office Action cites column 1, lines 41-55 of Foladare.

It is respectfully submitted that the cited combination of Orlen and Parsons is deficient at least for the reasons stated above for claim 29 and Foladare fails to make up for these deficiencies.

Therefore, since claim 32 depends from claim 29 it is respectfully submitted that claim 32 is allowable at least for the same reasons as claim 29. Withdrawal of the rejection of claim 32 under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 33, 35-38 and 45 under 35 U.S.C. 103(a) as being unpatentable over Orlen in view of Parsons and further in view of U.S. Patent No. 5,555,446 to Jasinski (Janinski). This rejection is respectfully traversed.

The Office Action admits that Orlen and Parsons fail to disclose or suggest the feature of a stock price change. The Office Action alleges that Jasinski makes up for this deficiency. Jasinski discloses a selected call receiver capable of requesting information from a communication system and a method. The Office Action cites column 6, lines 24-26 and 81-87.

It is respectfully submitted that the cited combination of Orlen and Parsons is deficient, at least for the reasons stated above regarding claim 29 and Jasinski fails to make up for these deficiencies. As discussed above Jasinski is relied upon in the Office Action to disclose message information request at the subscriber is transmitted by a

network operator to the provider of the external message and dependent on a predetermined subscriber condition. It is respectfully submitted that since claims 33, 35-38 and 45 depend from claim 29, these claims are allowable at least for the reasons stated for claim 29.

Accordingly, withdrawal of the rejections 35-38 and 45 under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claim 39 under 35 U.S.C. 103(a) as being unpatentable over Orlen in view of Parsons and Jasinski and further in view of U.S. Patent No. 6,141,558 to Chen. This rejection is respectfully traversed.

The Office Action admits that the cited references Orlen, Parsons and Jasinski fail to disclose a network operator received the request including a service provider address, retrieve location coordinates at the subscriber and transmits the location to the service provider using the received address. The Office Action alleges that Chen makes up for these deficiencies. Chen discloses a method and apparatus for locating a subscriber unit in a communication system. Chen is relied upon in the Office Action to teach that a network operator receives the request including a service provider address, retrieves location coordinates of a subscriber and transmits the location to the service provider using the received address.

It is respectfully submitted that the cited combinations of Orlen, Parsons and Jasinski are deficient at least for the reasons stated above regarding claim 29 and Chen fails to make up for these deficiencies. It is further submitted that since claim 39 depends

from claim 29, claim 39 is allowable at least for the same reasons as claim 29. Accordingly, withdrawal of the rejection of claim 39 under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 46 and 47 under 35 U.S.C. 103(a) as being unpatentable over Orlen in view of Parsons and Jasinski and further in view of WO 98/21913 to Bhatia (Bhatia). This rejection is respectfully traversed.

The Office Action admits that the combination of Orlen, Parsons and Jasinki fails to disclose the feature of activation of a predetermined supplementary service and the subscriber is located in his home area and alleges that Bhatia make s up for this deficiency. Bhatia is relied upon on the Office Action to teach a predetermined supplementary service and a subscriber is located in the home area. The Office Action cites page 3, lines 9-24 and page 3, lines 25-29, and page 4 lines 19-30 of Bhatia.

It is respectfully submitted that Orlen, Parsons and Jasinski are deficient at least for the reasons stated above for claim 29 and Bhatia fails to make up for these deficiencies.

It is respectfully submitted that the cited references fail to disclose or suggest all of the features recited in claims 46 and 47. Specifically, since claims 46 and 47 depend form claim 29, these claims are allowable at least for the same reasons as claim 29. Accordingly, withdrawal of rejection of claim 46 and 47 under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 55 and 56 under 35 U.S.C. 103(a) as being unpatentable over Orlen in view of Parsons and further in view of Bhatia. This rejection is respectfully traversed.

The Office Action admits that the combination of Orlen and Parsons fails to disclose the feature of an activation of a predetermined supplementary service and the subscriber is located in the home area. The Office Action alleges that Bhatia makes up for this deficiency.

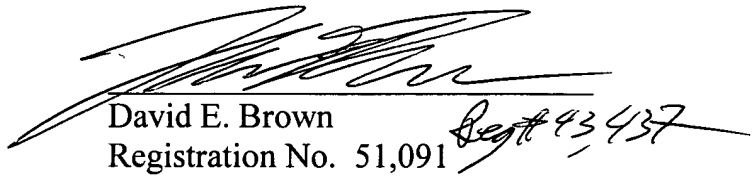
It is respectfully submitted that since claims 55 and 56 depend from claim 48, these claims are allowable at least for the same reasons as claim 48. Specifically, it is respectfully submitted that the combination of Orlen and Parsons is deficient at least for the same reasons stated above for claim 48 and Bhatia fails to make up for these deficiencies. Bhatia is relied upon to disclose the feature of a predetermined supplementary service and the subscriber is located in his home area. The Office Action cites page 3, lines 9-24 and 55-29, and page 4 lines 19-30.

It is respectfully submitted that the cited combination fails to disclose or suggest all of the features recited in claims 55 and 56. Accordingly, withdrawal of the rejection of claims 55 and 56 under 35 U.S.C. 103(a) is respectfully requested.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



David E. Brown
Registration No. 51,091 Reg # 43,437

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

DEB:mm

Enclosure: Petition for Extension of Time